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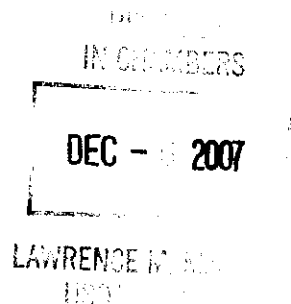
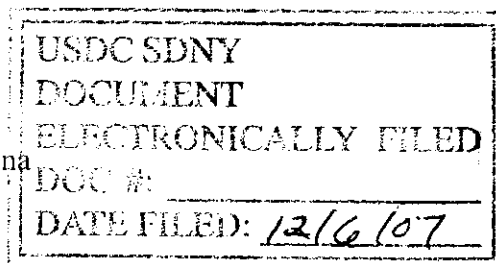
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**MEMO ENDORSED**

December 5, 2007

Via Federal Express

Honorable Lawrence M. McKenna  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1640  
New York, New York 10007



Re: *Maxway International Co., Inc. v. Pepsico, Inc.* 07 Civ 3634

Dear Judge McKenna:

We represent the Defendant in the above-referenced matter. As the Court is aware, the parties have reached an agreement in principal to resolve this case. That agreement is contingent upon a separate agreement between Defendant and a third-party company located in China. In light of the complexities attendant to consummating the agreement with the Chinese company, the Court has on two separate occasions granted the parties' joint request that the deadlines set forth in the Scheduling Order be stayed. The current stay will expire on December 7, 2007.

Substantial progress has been made toward finalizing the separate agreement between Defendant and the third party, however, a signed agreement is not yet in hand. Accordingly, counsel for both parties respectfully request that the deadlines set forth in the current Scheduling Order be stayed until January 15, 2008, by which time we expect to have the agreement completed. This is the third request for an extension of discovery deadlines.

Respectfully submitted,

*Margaret A. Dale*  
Margaret A. Dale

MAD/bp

cc: Dana M. Susman, Esq.

*Granted. En  
ordered.  
L. M. M.  
CSD 12/6/07*